

Yair Balderrama

1

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Exhibit: 1**

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

Case No. 15-CV-00280-PB

----- x

JONATHAN LEITE,

Plaintiff,

v.

MATTHEW GOULET, et al.,

Defendants.

----- x

DEPOSITION OF YAIR BALDERRAMA

August 30, 2017

12:50 p.m. to 1:24 p.m.

NORTHERN NH CORRECTIONAL FACILITY

138 East Milan Road

Berlin, New Hampshire

Reporter: Celeste A. Quimby, LCR No. 17

Page 2	Page 4
<p>1 I N D E X</p> <p>2</p> <p>3 WITNESS: Yair Balderrama</p> <p>4</p> <p>5 EXAMINATION:</p> <p>6 By Mr. King</p> <p>7</p> <p>8</p> <p>9 EXHIBITS FOR IDENTIFICATION:</p> <p>10 Balderrama Description</p> <p>11 Exhibit 1 Yair Balderrama Answers 12 to Interrogatories</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20 (Exhibit scanned/e-mailed to counsel; original 21 returned to Mr. King.)</p> <p>22</p> <p>23</p>	<p>1 YAIR BALDERRAMA</p> <p>2 having been duly sworn by the reporter,</p> <p>3 was deposed and testified as follows:</p> <p>4 EXAMINATION</p> <p>5 BY MR. KING:</p> <p>6 Q. Please state your name for the record.</p> <p>7 A. Yair Alonzo Balderrama.</p> <p>8 Q. Who is your employer?</p> <p>9 A. New Hampshire Department of Corrections.</p> <p>10 Q. And you are currently employed at the</p> <p>11 Northern New Hampshire Correctional Facility,</p> <p>12 correct?</p> <p>13 A. Correct.</p> <p>14 Q. How long have you been employed here?</p> <p>15 A. It's going to be 19 years in October,</p> <p>16 October 8th of this year.</p> <p>17 Q. And can you tell me the position titles</p> <p>18 that you've held through the years?</p> <p>19 A. Well, after I graduated the academy, I</p> <p>20 went to -- I was assigned to the Concord facility</p> <p>21 second shift, South Unit, and I got promoted to</p> <p>22 corporal to third shift and -- at the men's prison</p> <p>23 in Concord two years, two-and-a-half years after.</p>
Page 3	Page 5
<p>1 A P P E A R A N C E S</p> <p>2 For the Plaintiff:</p> <p>3 DOUGLAS, LEONARD & GARVEY, P.C.</p> <p>4 By: Benjamin T. King, Esq.</p> <p>5 14 South Street, Suite 5</p> <p>6 Concord, NH 03301</p> <p>7 (603) 224-1988</p> <p>8 benjamin@nhalawoffice.com</p> <p>9 mdouglass@nhalawoffice.com</p> <p>10</p> <p>11 For the Defendant:</p> <p>12 NEW HAMPSHIRE DEPARTMENT OF JUSTICE</p> <p>13 OFFICE OF THE ATTORNEY GENERAL</p> <p>14 By: Lynmarie C. Cusack, Esq.</p> <p>15 Francis K. Fredericks Jr., Esq.</p> <p>16 33 Capitol Street</p> <p>17 Concord, NH 03301</p> <p>18 (603) 271-3658</p> <p>19 lynmarie.cusack@doj.nh.gov</p> <p>20 francis.fredericksjr@doj.nh.gov</p> <p>21</p> <p>22 STIPULATIONS</p> <p>23</p> <p>It is agreed that the deposition shall be taken in the first instance in stenotype and when transcribed may be used for all purposes for which depositions are competent under the Federal Rules of Civil Procedure.</p> <p>Notices, filing, caption, and all other formalities are waived. All objections except as to form are reserved until the time of trial.</p> <p>It is further agreed that if the deposition is not signed within thirty (30) days after submission to counsel, the signature of the deponent is waived.</p>	<p>1 Then three years later, in 2003, I move up to NCF onto third shift, then as a corporal. And five, six years after that, I got promoted to sergeant, second shift. And then about seven years, eight years ago I got promoted -- while sergeant, I took over the transportation team on first shift up at NCF, and that's where I'm currently a supervisor of, yeah.</p> <p>9 Q. So what's your current position, if I can understand that?</p> <p>11 A. Transportation sergeant. I'm in charge of the fleet of transports that go in and out of here.</p> <p>14 Q. Okay. How long has that been the case?</p> <p>15 A. It's been eight years maybe, seven years. I can't remember the exact date.</p> <p>17 Q. Well, on August 24th, 2012, you were working in the main control room, right?</p> <p>19 A. If that's what it says, yes, I was.</p> <p>20 MR. FREDERICKS: Don't guess.</p> <p>21 A. Yes, I was. On second shift I was volunteered for overtime that day.</p> <p>23 Q. Right.</p>

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<p>1 A. It was not my assigned -- it wasn't my 2 assignment. It was actually something that I 3 volunteered for after working my eight hours. 4 Q. I see. So as of August 24, 2012, how 5 many times had you been assigned to work in the 6 main control room before that? 7 A. Can't tell you the amount. That -- 8 Q. Was working in the main control room 9 something that you had done several times before? 10 A. Yes. 11 Q. Okay. When did you first work in the 12 main control room? 13 A. I couldn't tell you that. I was -- even 14 back when I started and when I transferred from 15 Concord, I was -- me and one of the senior 16 sergeant or corporal back then, that was usually 17 where they put you in so that you -- because 18 there's so many things that can go in that place 19 that you take care of, that they want a supervisor 20 with experience most of the time. 21 Q. Okay. 22 A. So I've done it a lot. I've done it 23 quite a few times.</p>	<p>1 alarms, like you have one, and the yellow tags 2 that you get. 3 Q. Yeah. 4 A. We give those out to all the non-uniform 5 and uniform staff that need them. Also all the 6 keys for the entire facility, whoever got the 7 assignments, all those keys, you have to retrieve 8 their chip or their phone numbers. Everybody gets 9 assigned one of them, and then you have to give 10 those to retrieve keys, and then you sign them 11 out. 12 Vehicle fleet handouts. Weapon 13 inventories. I'm trying to do it kind of 14 chronologically. But obviously the IDs of the 15 employees. Every time you come in, you have to 16 give your ID, so we take care of that too. We 17 also have a little thing where we hang it, each 18 one of them. 19 And then we do count times. We take all 20 the units' counts, and then we're the ones that 21 keep track of that, of all the -- which takes me 22 to the next responsibility, which is the transport 23 in and out of the facility. We keep track, of</p>

<p style="text-align: right;">Page 10</p> <p>1 A. Yeah. Safety/sanitation of the place. 2 Like, that goes with that. Also notifications on 3 that area too. If there's a big thing happening, 4 we need to be the ones notifying people, or try to 5 help out as much as we can, on top of having to 6 scan and -- the cameras and doors and contest 7 every door that rings in the facility in my area, 8 in that area. Like if you push this button right 9 here, you will hear somebody, hello? Who is it? 10 So that's called a contest; like who's on the 11 other side? You just don't want to open any door. 12 So once you get an answer, you got to open it and, 13 you know, so forth, so forth. 14 Plus central control room takes care 15 of -- it's got the capability of taking care of 16 every single door in the facility, but for the 17 most part we take care of Alpha and Bravo and some 18 of Charlie building's doors, which -- I think 19 that's good. We also take care of the body alarm 20 system, which is a whole entity on its own, which 21 is -- 22 Q. I think you have mentioned that. 23 A. But I can -- do you want me to touch a</p>	<p>1 constantly going off on that. 2 Did I mention the fleet? We give in and 3 out cars, trying to keep track of what cars do we 4 have available. In case of an emergency, we can 5 give them out quickly. 6 Counts? Did I mention counts? 7 MS. CUSACK: Yes. 8 Q. Yes. 9 A. I think -- for the most part, I think 10 that's... 11 Q. Do any part of your job responsibilities 12 involve video monitoring of the housing blocks at 13 the facility when you're working in the main 14 control room? 15 A. No. Not entirely, no. It's like I said. 16 It's a -- it's almost something like you -- I 17 don't know how to explain it. You could spend 18 time doing that, like, but scan, it's impossible 19 to look through every single camera and through 20 every single -- you know what I mean, every single 21 monitor we have in there. That's why I'm saying 22 that. So is it -- yes, if I had to be -- like if 23 it was down time, yeah, you go and scan through</p>
<p style="text-align: right;">Page 11</p> <p>1 little on what it entails too? Because every 2 single time an alarm, the lanyard on the alarm is 3 pushed or pulled, we're the ones that get the 4 alarm. So we're dealing with that too. 5 Somebody -- even by mistake if something happens, 6 we have to send somebody and make sure that that 7 person is taken care of, and we need to have -- if 8 that alarm is assigned to you and you go off, you 9 have to personally call me and tell me that you're 10 all set. 11 So it takes -- you know what I mean? It 12 takes -- it's a lot of involvement, a lot of 13 things that happen. That also takes me -- talking 14 alarms is the fence alarm system that we have 15 around the perimeter and the -- you can see that 16 in there. Every time one alarm, the fence alarm 17 goes off, it beeps up in central control. We have 18 to send a 206 unit over to check, make sure 19 there's nobody trying to escape or on the fence. 20 We have three different set of fence alarms. 21 There's the buried cable; the microwave they call, 22 which is the sensor; and the fence wire alarm. So 23 that's three different types of alarms that are</p>	<p>1 the video cameras, through the monitors, yes. 2 Q. Okay. How many people -- as of August of 3 2012 how many people worked in the main control 4 room at a given time? 5 A. Two. 6 Q. And when you're in the main control room, 7 you have the capability of watching video 8 monitoring of activities in the housing blocks, 9 correct? 10 MR. FREDERICKS: Objection to form. 11 MR. KING: What's the basis for the 12 objection? 13 MR. FREDERICKS: You said have access to 14 watching video monitoring, and I just thought that 15 was vague as to whether you're watching someone 16 watching video or -- I was just unclear. 17 Q. Okay. I thought I -- when a -- when 18 Northern New Hampshire Correctional Facility 19 personnel are in the main control room, those 20 personnel have the capability of viewing video 21 monitoring of activities occurring in the housing 22 blocks at the facility, right? 23 A. They have the ability, yes.</p>

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<p>1 Q. Is that something that people working in 2 the main control room do during their shifts; 3 watch the video of what's occurring in the housing 4 blocks?</p> <p>5 A. Like I stated, it's part of something 6 that if you have down time, like if -- especially 7 within that area, because it's so busy, like if 8 you were like -- you know, in the middle of the 9 day and there's nothing going on at that 10 particular moment, it's like -- it's more likely 11 that people will grab a joystick and move around, 12 yes.</p> <p>13 Q. Now, you were in the main control room 14 between 3:00 and 7:00 on August 24th, 2012; is 15 that right?</p> <p>16 A. Yes.</p> <p>17 Q. Do you have any recollection of what 18 happened during that time period on your shift?</p> <p>19 A. Vaguely. I'm really -- a lot of the 20 things that I memorized were brought up to me by, 21 you know, reviewing the paperwork and stuff with 22 my lawyers.</p> <p>23 Q. All right. I don't want you to tell me</p>	<p>1 on with that as far as the actual incident. What 2 my job and title, if I remember correctly, is -- 3 let me explain something to you. If somebody -- 4 something happens in the prison, whatever it is, 5 the responders are called, right, by the site 6 person.</p> <p>7 Q. Yes.</p> <p>8 A. So I get the call on the radio, and what 9 I do is call for the responders and close the net, 10 meaning all radio communications. And then we 11 focus on that particular specific unit or a 12 specific place, if we can, or we have the ability 13 to do so.</p> <p>14 So the only thing I remember is calling 15 the response to the block, closing the net, and 16 then after that basically waiting for the 17 ambulance to get there or whatever happened. I 18 can't even tell you if there was an ambulance 19 activated. It's been that long.</p> <p>20 Q. Okay. So you remember calling a response 21 team?</p> <p>22 A. I do. I do remember, and focus on that 23 unit. And then meanwhile, everything else is</p>
Page 15	Page 17
<p>1 the conversations you had with the attorneys 2 general.</p> <p>3 A. I'm just saying it's not that I don't 4 remember. I vaguely remember.</p> <p>5 Q. Tell me what you remember of your 6 activities between 3:00 and 7:00 p.m. on August 7 24th, 2012, when you were working in the central 8 control room.</p> <p>9 A. I think what I'm going to state, and I 10 don't know if -- it's based upon the things that 11 I'm used to doing. I'm not thinking of 12 remembering that day exactly how it happened, 13 because it's like -- I do it enough that it's 14 almost like a routine for me.</p> <p>15 Q. Yes.</p> <p>16 A. So I don't want to be -- I don't know if 17 taking -- you know what I mean? Like, it's almost 18 like I remember that -- you know, it's like saying 19 that, oh, I did this, this, and that; I did this.</p> <p>20 It's what I do every time I work in 21 there. So did that happen exactly that day? I'm 22 not sure. I vaguely remember about the incident 23 that happened. But like I said, we have no hands</p>	<p>1 happening around the area.</p> <p>2 Q. Right.</p> <p>3 A. It could be from, you know, somebody 4 having difficulty breathing, you know, 5 something -- it's something simple. It's hard to 6 explain, because I don't have the hands-on. I 7 don't have the ability with saying what happened, 8 you know what I mean? It's more of the 9 recollection of having a regular day in central.</p> <p>10 Q. What triggered you to call a response to 11 F block?</p> <p>12 A. The response team, whoever was on the 13 site is who calls the response. Nothing triggered 14 me. It was that's how everything initializes here 15 at the prison.</p> <p>16 Q. Has there ever been a circumstance, 17 Sergeant, where you have observed something on 18 video monitoring while you were stationed in the 19 central control room and contacted someone to look 20 into what was going on?</p> <p>21 A. If I'm scanning the video, some of the 22 back end of PTZ cameras that we had here, if I 23 happen to come across something that catches my</p>

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<p>1 eyes, yes, I will do that, yeah.</p> <p>2 Q. Has there been a circumstance when you</p> <p>3 have done that?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. What happened?</p> <p>6 A. From people going into like different</p> <p>7 units. They don't belong to — you know, in the</p> <p>8 unit, to people in the yard, when people -- we</p> <p>9 have -- you know, in the summertime we have</p> <p>10 anything from 15 inmates to a hundred-and-</p> <p>11 something inmates out there. So if you're</p> <p>12 scanning and you happen to catch somebody, you</p> <p>13 know, like doing something they're not supposed to</p> <p>14 do -- most of the time it's like taking their</p> <p>15 shirt off when they're not supposed to. You know,</p> <p>16 you send a guy officer over to tell him to put the</p> <p>17 shirt back on.</p> <p>18 I have on occasions -- people that are on</p> <p>19 yard restriction, we send them back to the unit,</p> <p>20 you know what I mean? Things like that.</p> <p>21 Q. Okay. In your history working for the</p> <p>22 Department of Corrections, have you ever been a</p> <p>23 corrections officer doing rounds?</p>	<p>1 safety/sanitation rounds too, for reasons you're</p> <p>2 going in to make sure there's no water spill on</p> <p>3 the floor, make sure you get that taken care of;</p> <p>4 make sure the garbage is taken care of for the</p> <p>5 day. You know, you got the crews going, do</p> <p>6 like -- if you have extra duty. And that's every</p> <p>7 hour, because you have to — every time they come</p> <p>8 out, you got to think of something, I mean like,</p> <p>9 oh, we need to keep them...</p> <p>10 Q. So I think you told me that when you did</p> <p>11 rounds, you were supposed to look into every cell;</p> <p>12 is that right?</p> <p>13 A. Yeah, you're supposed to.</p> <p>14 Q. And because it's a safety/sanitation</p> <p>15 round, if you found vomit on the floor, you would</p> <p>16 want to look into how that came to be there,</p> <p>17 right?</p> <p>18 A. Yeah, and to clean it up.</p> <p>19 Q. Do you recall an incident in which you</p> <p>20 were involved back on November 24th, 2011?</p> <p>21 A. I do not.</p> <p>22 Q. Maybe I can refresh your recollection.</p> <p>23 MR. KING: Would you mark this.</p>
Page 19	Page 21
<p>1 A. Oh, yeah.</p> <p>2 Q. When you did rounds, what would you do?</p> <p>3 A. Would you want me to be more specific</p> <p>4 in — as far as up here in NCF or down in Concord?</p> <p>5 Q. No, here would be helpful.</p> <p>6 A. Well, every hour --</p> <p>7 Q. Would you -- yes, go ahead. I didn't</p> <p>8 mean to interrupt you. You were about to say?</p> <p>9 A. No, just every hour you go into the unit</p> <p>10 and make sure they — initially go by twos, one</p> <p>11 upstairs and one downstairs. You walk inside the</p> <p>12 unit, look inside the -- every single block, make</p> <p>13 sure that everything is good.</p> <p>14 When you go in there, you got to take</p> <p>15 care of -- usually that's when the inmates try to</p> <p>16 approach you with questions about when you going</p> <p>17 to do mail, things like that. So you try to</p> <p>18 answer those questions. When you going to do</p> <p>19 this, when you going to do that. Can I get the</p> <p>20 cleaning supplies, things like that.</p> <p>21 At the same time, you got to try to just</p> <p>22 go through and looking inside their cells and make</p> <p>23 sure that all the garbage and -- we call it</p>	<p>1 (Balderrama Exhibit 1 marked</p> <p>2 for identification.)</p> <p>3 Q. We've shown you what we've marked as</p> <p>4 Balderrama Exhibit 1. These are your</p> <p>5 interrogatory answers in this matter. You've seen</p> <p>6 these before, right?</p> <p>7 A. Yes.</p> <p>8 Q. And is that your signature on the last</p> <p>9 page, page 8?</p> <p>10 A. Yup.</p> <p>11 Q. Now, if you look at Interrogatory 10</p> <p>12 which begins on page 5, and your answer happens on</p> <p>13 page 6. I'm just going to be asking you about a</p> <p>14 statement you have on the top of page 6. You say</p> <p>15 here: I was personally involved in responding to</p> <p>16 two inmate-on-inmate assaults resulting in injury</p> <p>17 that required treatment at a hospital during the</p> <p>18 relevant time period.</p> <p>19 Which I think was August 24, 2007,</p> <p>20 through August 23, 2012. And then you refer us to</p> <p>21 some documents.</p> <p>22 A. I don't -- this is not -- I never -- I</p> <p>23 would never have done that, because I don't even</p>

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<p>1 know where to get those numbers (indicating), sir.</p> <p>2 Q. Okay. So --</p> <p>3 MS. CUSACK: So we put the Bates --</p> <p>4 MR. KING: Wait. Wait.</p> <p>5 MS. CUSACK: Go ahead.</p> <p>6 Q. What are you saying you would never have</p> <p>7 done?</p> <p>8 A. I mean it's not something that I would</p> <p>9 have -- like, I was personally involved in</p> <p>10 responding to inmate-on-inmate assault resulting</p> <p>11 in injury that required treatment at a hospital</p> <p>12 during relevant time period, that does not sound</p> <p>13 like something that I would answer.</p> <p>14 Q. All right. Did you -- did you review</p> <p>15 these -- did you write these interrogatory</p> <p>16 answers?</p> <p>17 A. I remember answering something online and</p> <p>18 returning it to the Attorney General's Office,</p> <p>19 yes.</p> <p>20 Q. Okay. And have you seen this document</p> <p>21 that we've marked as Exhibit 1 in your deposition</p> <p>22 before?</p> <p>23 A. I have it. I've seen it. It's just that</p>	<p>1 MR. KING: 480 through 484, right here</p> <p>2 (indicating).</p> <p>3 Q. And we're looking at 480 is the first</p> <p>4 page of an incident report for an incident that</p> <p>5 occurred November 24th, 2011.</p> <p>6 A. Yup.</p> <p>7 Q. Right?</p> <p>8 A. Yup.</p> <p>9 Q. Is this your writing?</p> <p>10 A. Yup, it is.</p> <p>11 Q. Now, there's a description here at 481.</p> <p>12 Is this your writing?</p> <p>13 A. Yup. It looks like it, yeah.</p> <p>14 Q. Okay. Could you just read what you've</p> <p>15 written here?</p> <p>16 A. Absolutely. (Reading.) After reviewing</p> <p>17 the video recording on Charlie block, section</p> <p>18 11/24 from 1850 to 1854, it was determined that</p> <p>19 shown punching in the face, what caused inmate</p> <p>20 blank to go to AVH for stitches. Along with the</p> <p>21 first team --</p> <p>22 (Reporter interrupts.)</p> <p>23 A. Okay. (Reading.) I, along with the</p>
Page 23	Page 25
<p>1 answer, I don't know -- I don't know if you can</p> <p>2 tell me how it is, because I don't -- if</p> <p>3 somebody...</p> <p>4 Q. Okay. I'm going to ask you some more</p> <p>5 questions.</p> <p>6 MS. CUSACK: So just for the record, we</p> <p>7 would put in the Bates numbers and the individual</p> <p>8 might not know -- understand those Bates</p> <p>9 numbers --</p> <p>10 MR. KING: Yes.</p> <p>11 MS. CUSACK: -- when we're answering the</p> <p>12 interrogatories. So they're what we have</p> <p>13 disclosed --</p> <p>14 THE WITNESS: Okay.</p> <p>15 MS. CUSACK: -- in document form, and we</p> <p>16 put numbers on the bottom of them.</p> <p>17 THE WITNESS: Okay.</p> <p>18 Q. BY MR. KING: Now, unfortunately, I don't</p> <p>19 have copies of this document, but I'm going to --</p> <p>20 do you mind if I come around, sir?</p> <p>21 A. No.</p> <p>22 MS. CUSACK: Which Bates numbers are you</p> <p>23 looking at?</p>	<p>1 first team, went inside Charlie block, and</p> <p>2 handcuffed and was escorted to reception. Was</p> <p>3 placed on PAR status for the assault.</p> <p>4 And the follow-up states: Blank was</p> <p>5 placed in Cell 5 in reception.</p> <p>6 And then Lieutenant Newton's follow-up:</p> <p>7 Transported to AVH. Later returned. Due to his</p> <p>8 injuries, inmate was housed in Health Services for</p> <p>9 observational. Inmate blank pleaded guilty to 3-A</p> <p>10 and 43-B.</p> <p>11 MR. FREDERICKS: And just for the record,</p> <p>12 when he's saying "inmate blank" there's a</p> <p>13 redaction and that's why he's saying "blank."</p> <p>14 Q. BY MR. KING: Do you recall this</p> <p>15 incident, sir?</p> <p>16 A. No, not off the top of my head. But,</p> <p>17 yeah, obviously it's mine, yeah.</p> <p>18 Q. Yes. I just wanted to ask you, did you</p> <p>19 discover that the assault had occurred by watching</p> <p>20 video recording in this incident?</p> <p>21 A. After the fact, yeah, when some -- in</p> <p>22 this case I'm not sure how -- obviously I can't</p> <p>23 remember. But if somebody gets assaulted and they</p>

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<p>1 come to me as the housing sergeant, then I will be 2 able to go into the video room and then retrieve 3 the video and then review it and see if we can 4 observe something, bad doing, something happening, 5 and then we make the determination, and this is 6 what I – I'm 110 percent sure that that's what 7 happened.</p> <p>8 Q. Okay. Thank you. Now, in the answer to 9 Number 12, if you just read Interrogatory 12 and 10 your answer to it, please.</p> <p>11 A. So the answer, sir?</p> <p>12 Q. The question and answer, if you don't 13 mind.</p> <p>14 A. Do you --</p> <p>15 Q. No, no, no, to yourself.</p> <p>16 MS. CUSACK: To yourself. To yourself.</p> <p>17 Q. Yes.</p> <p>18 A. Oh. (Peruses document.) Yup.</p> <p>19 Q. In 2012 up through August, how was the 20 fact that cell-hopping was prohibited communicated 21 to inmates at this facility?</p> <p>22 A. It's a known violation I believe in the 23 inmate manual, being out of place or cell-hopping.</p>	<p>1 the video control room on August 24th, 2012? 2 MR. FREDERICKS: Objection to form. 3 MR. KING: What's the basis of the 4 objection? 5 MR. FREDERICKS: He's never referred to 6 it as a video control room. I don't think that's 7 accurate. 8 Q. Do you know who was working with you in 9 the central control room on August 24th, 2012, 10 between 3 and 7 p.m.? 11 A. No. 12 Q. No? 13 A. I can't remember. 14 MR. KING: Okay. All right. I have 15 nothing further. Thank you. 16 THE WITNESS: Okay. 17 MR. FREDERICKS: Nothing from us. You're 18 all set. 19 (Deposition concluded at 1:24 p.m.) 20 21 22 23</p>
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<p>1 Q. It's in the inmate manual?</p> <p>2 A. Yes, sir. They all get one when they get 3 incarcerated I believe, yeah.</p> <p>4 Q. All right. You write here: I am also 5 aware that Mr. Leite failed to promptly seek 6 medical attention for his injuries.</p> <p>7 What's the basis for that statement?</p> <p>8 A. It's just very vague. I can't -- how 9 long ago since I filled this out? It's been a 10 while, but...</p> <p>11 Q. Did you even write that statement, sir?</p> <p>12 A. I – yeah, I did. I remember that.</p> <p>13 Q. All right.</p> <p>14 A. I just can't -- I can't remember why I 15 would say that, but...</p> <p>16 Q. All right. If you can't remember, you 17 can't remember.</p> <p>18 So was -- the extent of your involvement 19 in responding to the assault on Jonathan Leite was 20 calling the response team to Cellblock F; is that 21 true?</p> <p>22 A. Yes, that's what I would have done.</p> <p>23 Q. Do you know who was working with you in</p>	<p>1 CERTIFICATE OF WITNESS 2 3 I, Yair Balderrama, have read the foregoing 4 transcript of deposition taken on Wednesday, 5 August 30, 2017, at the Northern NH Correctional 6 Facility, Berlin, New Hampshire, and do hereby 7 swear/affirm it is an accurate and complete record 8 of my testimony given under oath in the matter of 9 Leite v. Goulet, et al., including any and all 10 corrections that may appear on those pages denoted 11 as "Corrections." 12 13 14 Yair Balderrama 15 STATE OF _____ 16 COUNTY OF _____ 17 18 Subscribed and sworn to before me this _____ day 19 of _____, 2017. 20 21 22 Notary Public _____ J.P. _____ 23 My Commission Expires: _____</p>

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1 CORRECTION AND SIGNATURE PAGE
2 DEPOSITION: Yair Balderrama
3 DATE OF DEPOSITION: August 30, 2017
4 PAGE LINE NOW READS SHOULD READ

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20 Dated this _____ day of _____, 2017.

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Yair Balderrama

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1 C E R T I F I C A T E
2 I, Celeste A. Quimby, a Licensed Court
3 Reporter of the State of New Hampshire, do hereby
4 certify that the foregoing is a true and accurate
5 transcript of my stenographic notes of the
6 deposition of Yair Balderrama, who was first duly
7 sworn, taken at the place and on the date
8 hereinbefore set forth.

9 I further certify that I am neither attorney
10 nor counsel for, nor related to or employed by any
11 of the parties to the action in which this
12 deposition was taken, and further that I am not a
13 relative or employee of any attorney or counsel
14 employed in this case, nor am I financially
15 interested in this action.

16 THE FOREGOING CERTIFICATION OF THIS TRANSCRIPT
17 DOES NOT APPLY TO ANY REPRODUCTION OF THE SAME BY
18 ANY MEANS UNLESS UNDER THE DIRECT CONTROL AND/OR
19 DIRECTION OF THE CERTIFYING REPORTER.

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CELESTE A. QUIMBY, LCR No. 17